

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARY CALHOUN, )  
                    )  
Plaintiff,       ) Civil Action No. 04-10210-DPW  
                    )  
v,                 )  
                    )  
UNITED STATES POSTAL SERVICE, )  
                    )  
Defendant.       )

**JOINT MOTION FOR AN ORDER SUBSTITUTING THE UNITED STATES  
OF AMERICA FOR THE UNITED STATES POSTAL SERVICE AS  
THE SOLE DEFENDANT IN THIS CIVIL ACTION**

The parties in this civil action respectfully request that the Court enter an Order substituting the United States of America for the United States Postal Service as the sole defendant in order to effectuate settlement of the case. In support, the parties state:

- (1) The plaintiff, Mary Calhoun, named the United States Postal Service as defendant.
- (2) Pursuant to § 1346 (b)(1), the United States Postal Service cannot be named as a defendant.
- (3) The parties have negotiated a settlement to resolve the case. In order to effectuate that settlement the parties seek to substitute the United States of America as the sole Defendant.

WHEREFORE, the parties respectfully request that the Court enter an Order substituting the United States of America as the sole defendant in this case.

MARY CALHOUN

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Christopher Alberto w/permission  
Rickie T. Weiner, Esq.  
Ellis Law Office, LLP  
33 Pleasant Street, Suite 2  
Worcester, MA 01609  
(508) 757-7451

By: /s/ Christopher Alberto  
Christopher Alberto  
Assistant U.S. Attorney  
U. S. Attorney's Office  
John Joseph Moakley  
United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3311

**CERTIFICATE OF SERVICE**

I, Christopher Alberto, Assistant United States Attorney, do hereby certify that I have served a copy of the foregoing upon plaintiff's counsel of record, Richard Weiner, Esq., Ellis & Ellis, 33 Pleasant Street, Boston, MA 01545.

Dated: May 24, 2004

/s/ Christopher Alberto  
Christopher Alberto  
Assistant U.S. Attorney

**LOCAL 7.1 CERTIFICATION**

I, Christopher Alberto, certify that all parties agree upon the requested relief sought from the Court.

/s/ Christopher Alberto  
Christopher Alberto  
Assistant U.S. Attorney